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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,065	12/21/2000	Takahiro Kimoto	072982/0213	5469
22428	7590	01/20/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			LEE, RICHARD J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 01/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,065

Applicant(s)

KIMOTO, TAKAHIRO

Examiner

Richard Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-40 and 55-60 is/are allowed.
- 6) ☒ Claim(s) 41-54 and 61-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

1. The request filed on August 7, 2003 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 41-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At claim 41, line 2, "etc." as claimed is an open ended limitation that does not clearly define the metes and bounds of the invention, and thus rendering the claim indefinite. Therefore, "etc." should be deleted.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 61-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy et al of record (5,745,169).

Murphy et al discloses a system for detecting errors in video images as shown in Figures 1-4, and the same video decoding apparatus and method and machine readable record medium storing a program for instructing an MPU to execute a video decoding process for decoding a coded video signal as claimed in claims 61-63, comprising the same receiving means (i.e., 15 of Figure 1) for receiving an input signal; determining means for generating a coded signal from the input signal and determining an error portion in the coded signal (see column 3, lines 45-59);

decoding means (27 of Figure 1) for decoding the coded signal to generate a decoded image; calculating means for determining a region to which the error portion corresponds in the decoded image (see column 3, lines 45-59); judging means for judging whether the region is decoded normally or not (i.e., processing unit 49 calculates mean and variance of the coefficient values within each block to determine/judge whether the block of interest contains errors, with the absence of errors indicating normal decoding and the presence of errors indicating not normal decoding, see steps 66, 67, 70, 71 of Figure 4, column 4, line 5 to column 6, line 19); and error concealing means (i.e., steps 68, 72 of Figure 4, and see column 3, lines 45-59, column 4, line 5 to column 6, line 19) for error concealing the region if the region is judged not to be decoded normally.

5. Claims 61-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Lyu (6,654,500).

Lyu discloses an MPEG video decoding system and overflow processing method as shown in Figures 1 and 2, and the same video decoding apparatus and method and machine readable record medium storing a program for instructing an MPU to execute a video decoding process for decoding a coded video signal as claimed in claims 61-63, comprising the same receiving means (i.e., 11 of Figure 1) for receiving an input signal; determining means for generating a coded signal from the input signal and determining an error portion in the coded signal (see column 3, lines 16-59); decoding means (13 of Figure 1) for decoding the coded signal to generate a decoded image; calculating means for determining a region to which the error portion corresponds in the decoded image (i.e., error codes are inserted into the video bit stream sequence comprised of MPEG blocks, with the blocks representing the region and thereby

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determining the region to which the error portion corresponds in the decoded image, see column 1, lines 22-42, column 4, lines 29-49); judging means for judging whether the region is decoded normally or not (see column 4, lines 39-49); and error concealing means (see column 4, lines 50-59) for error concealing the region if the region is judged not to be decoded normally.

6. Claims 41-54 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

7. Claims 1-40 and 55-60 are allowed.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m., with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

1/7/04

